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INTERNATIONAL LEGALLY BINDING INSTRUMENT  
FOR IMPLEMENTING INTERNATIONAL ACTION ON  
CERTAIN PERSISTENT ORGANIC POLLUTANTS  
Fourth Session  
Bonn, 20-25 March 2000  
Item 4 of the provisional agenda\*\*

PREPARATION OF AN INTERNATIONAL LEGALLY BINDING INSTRUMENT  
FOR IMPLEMENTING INTERNATIONAL ACTION ON  
CERTAIN PERSISTENT ORGANIC POLLUTANTS

Results from the Implementation Aspects Group Bureau consultation  
held from 8 to 9 November 1999 in Geneva

Note from the Chair of the Implementation Aspects Group

1. The Bureau of the Implementation Aspects Group (IAG) met in Geneva 8 to 9 November in response to the mandate given to it in paragraph 91 of UNEP/POPS/INC.3/4 to elaborate on the submissions provided at the third session of the Intergovernmental Negotiating Committee in relation to Articles J and K of the draft text of an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants contained in Annex II of UNEP/POPS/INC.3/4. In proceeding with this task, the Chair and the Bureau members present explored the commonalities of the different submissions with a view to preparing a draft paper that might serve as a basis for further negotiations. The draft paper was subsequently cleared with the Bureau members not present.

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\*\* UNEP/POPS/INC.4/1.

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2. In developing the attached compilation text, the Bureau started by analysing and listing the concepts involved in each of the submissions as contained in Annex V of UNEP/POPS/INC.3/4. The Bureau merged the proposals containing the same concept into one consolidated proposal.

3. For Article J the Bureau was able to consolidate the different submissions from the third session of the Committee into one proposal attached to this note.

4. For Article K the Bureau again distinguished several elements which were entered into the text from different submissions. There were two distinct proposals on how to channel the financial assistance. These are tabled side by side to ease comparison. The proposal for Article K is attached to this note.

Attachment

**IAG BUREAU COMPILATION TEXT**

DRAFT ARTICLE J---TECHNICAL ASSISTANCE

1. The Parties
  - (a) recognising that rendering of timely and appropriate technical assistance is an essential requirement to the successful implementation of this Convention, and
  - (b) taking into account the particular needs of developing countries and countries with economies in transition, shall cooperate to provide timely technical assistance to develop their infrastructure and capacities<sup>1</sup> to implement their obligations under this Convention.
  
2. The assistance to be provided by Parties shall include inter alia and as appropriate
  - (a) a review, in cooperation with competent international organizations, of available infrastructure, capacity and institutions at the national and local level, and the potential to strengthen them for the purpose of this Convention;
  - (b) developing and implementing programmes and/or national action plans addressing the objectives of this Convention, taking into account national priorities;
  - (c) training of decision makers, managers and personnel who are responsible for the collection and analyses of data regarding the effects of POPs on the environment and human health;
  - (d) strengthening training and research capacity at the national and regional level for introducing alternatives for POPs;
  - (e) the development, implementation and enforcement of regulatory controls and incentives;
  - (f) promoting awareness-raising and information-disseminating programmes; and
  - (g) transfer of technology.
  
3. The Parties shall establish arrangements for the purpose of providing technical assistance and the transfer of technologies to developing countries and countries with economies in transition. The arrangements shall include a clearing-house<sup>2</sup>, administered by the Secretariat, to facilitate and coordinate the exchange of information on the needs, available multilateral and bilateral assistance, and a roster of expertise relating to technical assistance and capacity-building. The clearing-house shall assist Parties, particularly developing countries and countries with economies in transition, in accessing expertise and technical assistance to fulfil their obligations under this Convention.

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<sup>1</sup> Capacity also includes the capacity to access existing mechanisms for obtaining assistance.

<sup>2</sup> Clearing house text could be located under either Article G or J.

4. The national reporting by the Parties under Article L shall include information to enable the Secretariat to submit to the Conference of the Parties a detailed report on technical assistance.

DRAFT ARTICLE K---FINANCIAL RESOURCES AND MECHANISMS

1. The developed country Parties shall provide developing country Parties and Parties with economies in transition with financial assistance in order to implement the Convention.

2. Each Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of those national activities which are intended to achieve the objectives of this Convention.

3. The Conference of the Parties shall promote the availability of financial resources and mechanism[s] and shall encourage the development of such mechanism[s] to seek to maximise the availability of funding for developing Parties and Parties with economies in transition to implement the Convention.

4. To this end, the Conference of the Parties shall:

PROPOSAL 1	PROPOSAL 2
<p>I. consider for adoption, <u>inter alia</u>, policies and approaches that:</p> <p>(a) Facilitate the provision of necessary funding at the national, subregional, regional and global levels for activities relevant to the implementation of the Convention;</p> <p>(b) Promote multiple-source funding approaches, mechanisms and arrangements;</p> <p>(c) Provide to interested Parties information on available sources of funds and on funding patterns in order to facilitate co-ordination among them;</p> <p>(d) Strengthen existing funds and financial mechanisms at the sub-regional, regional and global level to support more effectively the implementation of the Convention;</p> <p>(e) Explore and improve the possibilities for funding from bilateral assistance programmes; and</p> <p>(f) Enable and encourage the involvement of the private sector in providing financial assistance.</p>	<p>I. establish a mechanism with the aim to provide developing countries with technical and financial assistance, including technology transfer, and shall assure, through the Secretariat, the availability of financial resources to support such Parties in their compliance with obligations deriving from the Convention.</p> <p>II. The mechanism established in paragraph 1 shall include, <u>inter alia</u>,:</p> <p>(a) An independent multilateral fund, consisting of regular and obligatory contributions of new and additional financial resources</p> <p>(b) A technical assistance fund, composed of voluntary contributions with the aim to support the technical assistance activities undertaken by the Secretariat, as well as capacity-building and transfer of technology activities undertaken by Governments, regional, or subregional centres. This fund may also contribute to complement activities financed by the multilateral fund.</p>

<p>II. The Conference of the Parties shall also encourage the provision, through various mechanisms within the United Nations system and through multilateral financial institutions, of support at the national, subregional and regional level to activities that enable developing Parties and Parties with economies in transition to meet their obligations under the Convention.</p>	<p>III Contributions to the multilateral fund, shall be additional to other financial transfers to developing country Parties and Parties with economies in transition, and shall meet all agreed incremental costs of such Parties in order to enable their compliance with the control measures of the Convention. An indicative list of the categories of incremental costs shall be decided by the Conference of the Parties at its first meeting.</p> <p>IV. The Secretariat shall present to the Conference of the Parties, at its first meeting, a proposal for the budget and rules of the multilateral fund;</p>
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5. Developed country Parties may also provide, and developing Parties and Parties with economies in transition avail themselves of, financial resources related to the implementation of this Convention through bilateral, regional and other multilateral sources.

6. Developing Parties and Parties with economies in transition shall utilise, and where necessary establish, national co-ordinating mechanisms integrated in national sustainable development programmes, that would ensure the efficient use of all available financial resources.

7. The Parties shall take full account of the specific needs and special situation of least developed countries in their actions with regard to funding.

8. The Conference of the Parties shall review, on a regular basis, the financial mechanism[s] established under this Article in order to decide on the necessary measures to improve its [their] effectiveness and extend its [their] scope to cover new requirements that could arise during the process of implementation of this Convention.

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